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9 *Co-Lead Counsel for the Proposed Class in In re*  
10 *Google Play Consumer Antitrust Litigation*

11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

13 **SAN FRANCISCO DIVISION**

14 **IN RE GOOGLE PLAY CONSUMER**  
15 **ANTITRUST LITIGATION**

16 RELATED ACTIONS:

17 *Epic Games Inc. v. Google LLC et al.*,  
Case No. 3:20-cv-05671-JD

18 *In re Google Play Developer Antitrust*  
19 *Litigation*, Case No. 3:20-cv-05792-JD

20 *State of Utah, et. al., v. Google LLC, et. al.*,  
Case No. 3:21-cv-05227-JD

No. 3:20-CV-05761-JD

**PLAINTIFF'S ADMINISTRATIVE**  
**MOTION TO FILE DOCUMENTS**  
**UNDER SEAL AND NOTICE OF**  
**LODGING PURSUANT TO CIVIL**  
**LOCAL RULE 79-5**

Judge: Hon. James Donato

Pursuant to Civil Local Rules 7-11 and 79-5, Plaintiffs submit this administrative motion to file under seal the Consolidated First Amended Class Action Complaint (“FAC”). The basis for the motion is set forth below as to quoted or cited excerpts of documents designated “Highly Confidential” or “Confidential” by Defendant Google, which are referenced in the FAC. Plaintiffs also hereby provide notice of lodging to all parties and their counsel pursuant to Civil Local Rule 79-5(e).

## I. **LEGAL STANDARD**

Historically, courts have recognized a general right to inspect and copy public records and documents, including judicial records and documents. *Nursing Home Pension Fund v. Oracle Corp.*, C01-00988 MJJ, 2007 WL 3232267, at \*1 (N.D. Cal. Nov. 1, 2007). The strong presumption of public access may be overcome if a party presents “compelling reasons supported by specific factual findings, . . . that outweigh the general history of access and the public policies favoring disclosure.” *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006). While Plaintiffs take no position on whether the referenced material warrants sealing, Plaintiffs submit this motion and notice of lodging consistent with the parties’ Stipulated Protective Order (“Protective Order”). See Dkt. 34.

## II. **REQUEST TO SEAL AND NOTICE OF LODGING**

### A. **The Materials Sought to be Filed Under Seal**

In accordance with the Protective Order, Dkt. 34, Plaintiffs request that the unredacted version of the FAC be filed under seal initially, as it contains references and quotes from discovery materials that Google has designated “Highly Confidential” or “Confidential.” Plaintiffs do not request indefinite sealing of the FAC but submit this administrative motion in compliance with the Protective Order. The specific portions of the FAC that reference purportedly confidential materials are set out in the Declaration of Karma M. Giulianelli, filed as an exhibit to this motion.

PLAINTIFFS’ ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL AND NOTICE OF LODGING PURSUANT TO CIVIL LOCAL RULE 79-5

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1           **B. Notice of Lodging Material Designated by Google as Confidential**

2           Some information from Google's document production that Google designated "Highly  
3 Confidential" or "Confidential" is referenced or quoted in the FAC. As such, Plaintiffs lodge the  
4 unredacted FAC under seal and provide notice to Google and its counsel that if it wants the  
5 unredacted FAC to remain under seal, they should submit a supporting declaration in accordance  
6 with Civil Local Rule 79-5(e). Plaintiffs take no position on the question of whether the redacted  
7 information is "privileged, protectable as a trade secret or otherwise entitled to protection under  
8 the law." Civ. L.R. 79-5(b). The following document is being lodged under seal:

- 9           • The unredacted version of the FAC, containing references to information that  
10           Google has designated as "Highly Confidential" or "Confidential."

11           Pursuant to Civil Local Rule 79-5, this motion is supported by the accompanying  
12 Declaration of Karma M. Julianelli, which identifies portions of the FAC that reference or quote  
13 documents designated as "Highly Confidential" or "Confidential" pursuant to the Protective  
14 Order, Dkt. 34, and attaches both the redacted and unredacted versions of the FAC. Also in  
15 accordance with Civil Local Rule 79-5(e), Co-Lead Counsel for the Proposed Class will serve  
16 copies of this motion and supporting documents on counsel for Google. Plaintiffs further submit  
17 a proposed order.

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19           Dated: July 21, 2021  
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1 Respectfully submitted,

2 By: /s/ Karma M. Julianelli

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1                   **CERTIFICATE OF SERVICE**

2                   The undersigned certifies that a true and correct copy of the foregoing was served  
3 on July 21, 2021 upon all counsel of record via the Court's electronic notification system.

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5                   */s/ Karma M. Julianelli*

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